

### **REMARKS**

Claims 1-18 are now pending in this application. Claims 1, 4, 12 and 15 are the independent claims.

No claims have been amended. No claims have been canceled, and no claims have been added.

The claim rejections to claims 7-9 under 35 U.S.C. § 101 have been withdrawn.

### **SUMMARY OF EXAMINER INTERVIEW**

Applicant thanks the Examiner and his Supervisor (collectively "Examiners") for courtesies extended to Applicant's representative at an interview on April 17, 2008. In the interview, the participants discussed the claims and prior art. A "transmitting terminal with a camera," as recited in the claims and not disclosed by DeSalvo was discussed. Examiners suggested that the camera limitation would preferably be recited within the body of the claim.

Additionally, the "distinguishing unit" of the claims was discussed. Examiners expressed their view that the DeSalvo reference inherently discloses a "type discriminating unit that discriminates, based on a header of the E-mail, the type of the transmitting terminal which transmits the E-mail to be received by the image-attached mail transiting apparatus," as recited in claim 1 (and analogously in independent claims 4, 12, and 15). Examiners proposed that DeSalvo's conversion of attachments for display on a receiving device inherently requires some information from or about the attachment in order to perform the conversion, and further professed that such information ultimately identifies the "type of transmitting terminal" from which an e-mail attachment is sent. Applicant's representative did not agree with this interpretation, but agreed to further investigate.

### **CLAIM OBJECTIONS**

The Examiner has objected to claims 10, 11, 13, 14, 16 and 17 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that the base claims from which these claims depend are in condition for allowance. The claims have therefore not been amended to include all the limitations of their base and intervening claims.

## CLAIM REJECTIONS UNDER 35 U.S.C. § 102

The Examiner rejects claims 1-9, 12, 15 and 18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0208546 to DeSalvo et al. (hereinafter "DeSalvo"). These rejections are respectfully traversed.

The Office Action rejects, on pages 2 and 3, the arguments presented in Applicant's prior response, and asserts that DeSalvo discloses a type discriminating unit that discriminates, based on a header of the E-mail, the type of the transmitting terminal. Applicant respectfully submits that this assertion is not supported by the reference art. DeSalvo does not disclose every element of independent claims 1, 4, 12, or 15, as discussed below:

***DeSalvo does not disclose a type of transmitting terminal with a camera.***

As amended, independent claims 1, 4, 12, and 15 variously recite "a type discriminating unit that discriminates, based on a header of the E-mail, the type the transmitting terminal and transmits the E-mail to be received by the image-attached mail transiting apparatus." The antecedent for the transmitting terminal is recited in the claim preamble as "a transmitting terminal with a camera." Although "camera" does not explicitly appear within the body of the claim, "[a]ny terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation." (MPEP §2111.02(I).) Therefore, Applicant respectfully asserts that any prior art asserted to anticipate independent claims 1, 4, 12, and 15 must disclose "a transmitting terminal with a camera." DeSalvo does not disclose a camera or a device "with a camera."

***DeSalvo does not disclose "a type discriminating unit that discriminates ... the type of the transmitting terminal which transmits the E-mail."***

DeSalvo discloses that an analysis module searches an e-mail message for an attachment header. (DeSalvo, at [0026].) If a header is found, the module attempts to determine the type of attachment attached to the e-mail message (e.g., compressed file, Microsoft Word document, JPEG, etc). (Id., at [0028].) If the attachment type is identified, the attachment conversion module checks to see if a known mechanism exists for converting the type of attachment into a format which a receiving device 110 can process. (Id., at [0030].) An attachment conversion module converts attachments based on wireless device specifications. (Id., at [0024].) Service

100 of DeSalvo maintains an intimate knowledge of the capabilities/configuration of each data receiving device 110. (Id., at [0019].)

Since receiving devices and transmitting terminals are not necessarily mutually exclusive devices, it is plausible that the "intimate knowledge" of each data processing device maintained by DeSalvo's service may include capability/configuration information about devices which include a transmitting terminal. However, DeSalvo indicates that the maintained capability/configuration information is receiving-device oriented - "e.g., screen size, graphics/audio capabilities, available memory, processing power, user preferences, ... etc." (Id., at [0019].) The capability/configuration information allows one embodiment of the DeSalvo device to convert Internet content "so that it will be rendered properly within the data processing device's display." (Id.) In a second embodiment of the DeSalvo device, E-mail attachments may be converted "in a similar manner to the content conversion module described [in the first embodiment] except that it specifically converts e-mail attachments for rendering on the wireless device." (Id., at [0024].) "Rendering" here clearly infers that a device *receives* a converted attachment prior to displaying the attachment. This conversion may require information describing the attachment to be converted (e.g., size, color depth, etc.). However, such information need not (and is not disclosed by DeSalvo to) include the type of the transmitting terminal; it may, for example, be derived by direct analysis of the attachment. Such conversion is disclosed to utilize capability/configuration information only of an intended receiving device, and thus does not necessarily include characteristics unique to transmitting terminal types.

In the Examiner Interview, Examiners professed that the type of the transmitting terminal *might* be discriminated based on an email attachment, suggesting that images of a certain size, for example, may, albeit indirectly, indicate the type of transmitting terminal or even of the "type" of camera which captured the image. However, whether or not this is accurate is immaterial, for DeSalvo doesn't disclose that the type of a transmitting terminal is even considered, much less that parameters and processing are based on discrimination of the type of the transmitting terminal. DeSalvo discloses only utilization of the attachment type and capabilities of destination device. DeSalvo simply does not disclose direct or indirect acquisition

or consideration of the type the transmitting terminal for attachment conversion or any other purpose.

Furthermore, Examiners asserted in the Interview that in view of DeSalvo paragraph [0034], the attachment processing module must distinguish the type of transmitting terminal in order to determine whether or not to transmit an original copy of an attachment or the processed attachment received from the transmitting device. The attachment processing module presumably has access to a stored instance of the original attachment. However, it is not inherent that the type of the transmitting terminal is needed for such functionality. The attachment itself may indicate whether it is an original or not. For example, a small file size may indicate that the file has been processed. The attachment processing module need merely, as disclosed by DeSalvo, determine the *type* of the attachment and the capabilities of the *recipient* device to make a determination of whether the processed or (presumably) stored attachment is appropriate for the receiving device. No discrimination of the type of the transmitting terminal is necessary, inherent, or even implied. Again, whether or not DeSalvo *could* discriminate the type of the transmitting terminal, DeSalvo does not provide means for doing so. Nor does DeSalvo disclose type of transmitting terminal information being used for any purpose - even if the DeSalvo device had access to it.

***DeSalvo does not "discriminate, based on a header of the E-mail, the type the transmitting terminal."***

DeSalvo does not disclose a discriminating unit that discriminates the type of the transmitting terminal based on *any* criteria, much less based on a header of an E-mail. Service 100 maintains information (i.e., capabilities/configuration) for devices which will receive the attachment from the service: "...the attachment processing module will initially determine whether the destination address is another wireless device capable of processing the converted attachment." (DeSalvo, at [0034].) Thus, at most, the DeSalvo device may determine a receiving device based on a destination address. DeSalvo does not disclose that the attachment header examined by the attachment processing module 240 includes any information from which the type of the transmitting terminal may be discriminated. Nor does the Office Action explain how information from an attachment header might be utilized in conjunction with the knowledge

of the capabilities/configuration of a data processing device in order to discriminate the type of the transmitting terminal. For example, the attachment processing unit 240 disclosed by DeSalvo may discover an attachment header that identifies a JPEG attachment, but a standard JPEG header does not, alone, include information identifying a type of a transmitting terminal from which the email was sent. Nor does a standard JPEG header include information from which the type of a transmitting terminal might be derived through use of the "intimate knowledge" of receiving device capabilities kept by the service 100. Furthermore, even if an attachment header were shown to include the type of the transmitting terminal, DeSalvo does not disclose use of such information in the attachment header in order to identify the type of the transmitting terminal.

Moreover, an "attachment header," as used by DeSalvo, appears to be either a MIME type header, which normally includes only MIME-version, Content-type, and Content-Transfer-Encoding; or a header of the attachment file itself, which, Applicant submits, is not "an E-mail header." In either case, DeSalvo does not disclose "a type discriminating unit that discriminates, based on a header of the E-mail, the type of the transmitting terminal which transmits the E-mail to be received by the image-attached mail transiting apparatus."

***The DeSalvo device does not "decide a ... parameter indicating what processing should be performed for the attached image of the E-mail according to the type of the transmitting terminal."***

As discussed above, any parameters for attachment conversion are based, in DeSalvo, on the attachment *type* and information about receiving devices maintained in association with a destination address. Furthermore, DeSalvo's attachment conversion module does not perform predetermined image processing based on a parameter which is determined according to the type of the transmitting terminal. Rather, as shown above, attachment conversion by the DeSalvo device is based only on the file type (see paragraphs [0028]-[0029]) and specifications of a destination device (see paragraph [0030]).

In view of these arguments, Applicant submits that independent claims 1, 4, 12, and 15, which recite the above-identified features, are in condition for allowance. Claims depending therefrom are thus believed to be in condition for allowance for at least the same reasons as their

base claims. Claims 2-3, 5-9, and 18 depend from one of the independent claims discussed above. Withdrawal of the rejection and reconsideration of claims 1-9, 12, 15 and 18 are respectfully requested.

**CONCLUSION**

In view of the above remarks, it is believed that claims 1-18 are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata, Reg. No. 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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